

JUNE, THEPSOMBANDITH
 PLAINTIFF/PETITIONER/MOVANT'S NAME

PRISON NUMBER **T-12479**

CENTINELA STATE PRISON
 PLACE OF CONFINEMENT

P.O. BOX 921

ADDRESS **IMPERIAL, CA 92251-921**

FILED

2008 FEB 22 PM 2:49

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY **RM** DEPUTY

**United States District Court
 Southern District Of California**

Plaintiff/Petitioner/Movant

v.

Defendant/Respondent

Civil No.

07CV2248 BEN (RBB)

(TO BE FILLED IN BY U.S. DISTRICT COURT CLERK)

**MOTION AND DECLARATION UNDER
 PENALTY OF PERJURY IN SUPPORT
 OF MOTION TO PROCEED IN FORMA
PAUPERIS**

I, **JUNE THEPSOMBANDITH**

declare that I am the Plaintiff/Petitioner/Movant in this case. In support of my request to proceed without prepayment of fees or security under 28 U.S.C. § 1915, I further declare I am unable to pay the fees of this proceeding or give security because of my poverty, and that I believe I am entitled to redress.

In further support of this application, I answer the following question under penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No (If "No" go to question 2)

If "Yes," state the place of your incarceration **CENTINELA STATE PRISON**

Are you employed at the institution? ☐ Yes ☐ No

Do you receive any payment from the institution? ☒ Yes ☐ No

[Have the institution fill out the Certificate portion of this affidavit and attach a certified copy of the trust account statement from the institution of your incarceration showing at least the last six months transactions.]

2. Are you currently employed? ☐ Yes ☒ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past twelve months have you received any money from any of the following sources?:

- | | | |
|---|------------------------------|--|
| a. Business, profession or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| b. Rent payments, royalties interest or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c. Pensions, annuities or life insurance | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| d. Disability or workers compensation | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Social Security, disability or other welfare | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| e. Gifts or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| f. Spousal or child support | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| g. Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If the answer to any of the above is "Yes" describe each source and state the amount received and what you expect you will continue to receive each month.

4. Do you have any checking account(s)? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

5. Do you have any savings/IRA/money market/CDS' separate from checking accounts? ☐ Yes ☒ No

a. Name(s) and address(es) of bank(s):

b. Present balance in account(s):

6. Do you own an automobile or other motor vehicle? ☐ Yes ☒ No

a. Make: Year: Model:

b. Is it financed? ☐ Yes ☐ No

c. If so, what is the amount owed?

7. Do you own any real estate, stocks, bonds, securities, other financial instruments, or other valuable property?

☐ Yes ☒ No

If "Yes" describe the property and state its value. _____

8. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

9. List any other debts (current obligations, indicating amounts owed and to whom they are payable):

10. List any other assets or items of value (specify real estate, gifts, trusts inheritances, government bonds, stocks, savings certificates, notes, jewelry, artwork, or any other assets [include any items of value held in someone else's name]):

11. If you answered all of the items in #3 "No," and have not indicated any other assets or sources of income anywhere on this form, you must explain the sources of funds for your day-to-day expenses.

I declare under penalty of perjury that the above information is true and correct and understand that a false statement herein may result in the dismissal of my claims.

DATE

June Thompson

SIGNATURE OF APPLICANT

If you are a **prisoner** you must have an officer from your institution provide this official certificate as to the amount of money in your prison account. There are no exceptions to this requirement.

PRISON CERTIFICATE
(Incarcerated applicants only)
 (To be completed by the institution of incarceration)

I certify that the applicant Van June Thepsombandith
 (NAME OF INMATE)

F 12479

(INMATE'S CDC NUMBER)

has the sum of \$ 8.47 on account to his/her credit at

Centinela State Prison

(NAME OF INSTITUTION)

I further certify that the applicant has the following securities 0

to his/her credit according to the records of the aforementioned institution. I further certify that **during**

the past six months the applicant's *average monthly balance* was \$ 4.48

and the *average monthly deposits* to the applicant's account was \$ 4.32

ALL PRISONERS MUST ATTACH A CERTIFIED COPY OF THEIR TRUST ACCOUNT STATEMENT SHOWING TRANSACTIONS FOR THE SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THE COMPLAINT PER 28 U.S.C. § 1915(a)(2).

2-20-2008

DATE

Gracie Rojas
 SIGNATURE OF AUTHORIZED OFFICER OF INSTITUTION

Gracie Rojas
 OFFICER'S FULL NAME (PRINTED)

Account Clerk II
 OFFICER'S TITLE/RANK

TRUST ACCOUNT WITHDRAWAL AUTHORIZATION
(Incarcerated applicants only)

(This form **MUST** be completed by the prisoner requesting to proceed in forma pauperis. An incomplete "Trust Account Withdrawal Authorization Form," or "Prison Certificate" will result in automatic denial of the prisoner's request to proceed in forma pauperis.)

#T-12479

I, JUNE Thepombandith, request and authorize the agency holding me in
(Name of Prisoner/ CDC No.)
 custody to prepare for the Clerk of the United States District Court for the Southern District of California, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) activity at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust fund account (or institutional equivalent) pursuant to any future orders issued by the Court relating to this civil action pursuant to the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, Title VIII, §§ 801-10, 110 Stat. 1321 (1996).

This authorization is furnished in connection with a civil action filed in the Southern District of California, and I understand that, pursuant to 28 U.S.C. §§ 1914 and 1915(b)(1), the total amount of filing fees for which I am obligated is either ☐ \$350 (civil complaint) or ☐ \$5 (habeas corpus petition) (check one). I also understand that this fee will be debited from my account regardless of the outcome of this action. This authorization shall apply to any other agency into whose custody I may be transferred.

2-18-08
 DATE

June Thepombandith
 SIGNATURE OF PRISONER

CALIFORNIA DEPARTMENT OF CORRECTIONS
CENTINELA STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: AUG. 01, 2007 THRU FEB. 20, 2008

ACCOUNT NUMBER : F12479 BED/CELL NUMBER: FCB1T1000000111L
ACCOUNT NAME : THEPSOMBANDITH, VAN JUNE ACCOUNT TYPE: I
PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
08/01/2007		BEGINNING BALANCE					0.00
11/02	D554	INMATE PAYROL	2676 OCT07		6.55		6.55
11/27	W512	LEGAL POSTAGE	3120 11/26			1.48	5.07
11/30	W536	COPAY CHARGE	3207M11/30			5.00	0.07
12/03	D554	INMATE PAYROL	3253 NOV07		6.10		6.17
12/05	W512	LEGAL POSTAGE	3333 11/29			0.97	5.20
ACTIVITY FOR 2008							
01/03	W536	COPAY CHARGE	3858M01/03			5.00	0.20
01/04	D554	INMATE PAYROL	3885 DEC07		6.45		6.65
01/24	W536	COPAY CHARGE	4308M01/24			5.00	1.65
02/08	D554	INMATE PAYROL	4632 JAN08		6.82		8.47

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	25.92	17.45	8.47	0.00	0.00

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.

ATTEST:



CALIFORNIA DEPARTMENT OF CORRECTIONS

BY: *[Signature]*
TRUST OFFICE

CURRENT AVAILABLE BALANCE

8.47

FILED

2008 FEB 11 PM 12:39

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY Rm DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUNE THEPSOMBANDITH,

Petitioner,

v.

V.M. ALMAGER, Warden,

Respondent.

Civil No. 07cv2248 BEN (RBB)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE AND WITH LEAVE TO
AMEND**

On November 27, 2007, Petitioner, a state prisoner proceeding pro se, filed a Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Doc. No. 1.] On December 3, 2007, the Court dismissed Petitioner's case for failure to pay the \$5.00 filing fee or moved to proceed in forma pauperis. [Doc. No. 3.]

Petitioner filed a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) on December 3, 2007. [Doc. No. 4.] The Court dismissed the case without prejudice and with leave to amend because Petitioner had failed to provide the Court with sufficient information, in the form of a certified trust account statement from the institution in which he is incarcerated, for the Court to determine Petitioner's financial status. [Doc. No. 5.] Petitioner was given until February 4, 2008, to provide the Court with the information.

On January 3, 2008, Petitioner filed second motion to proceed in forma pauperis but did not include sufficient information to determine Petitioner's financial status, i.e. a certified trust account statement from the institution in which Petitioner is incarcerated. A request to proceed in forma pauperis made by a state prisoner must include a certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account in the institution. See Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2.

Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and **DISMISSES** the case without prejudice and with leave to amend. To have the case reopened, Petitioner must, no later than **April 14, 2008**, provide the Court with: (1) a copy of this Order together with the \$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner cannot pay the \$5.00 filing fee.

PETITIONER IS ADVISED THAT IF HE DOES NOT PROVIDE THE COURT WITH THE \$5.00 FILING FEE OR ADEQUATE PROOF OF HIS INABILITY TO PAY THE FEE BY APRIL 14, 2008, THE CASE WILL BE DISMISSED WITHOUT FURTHER LEAVE TO AMEND AND HE WILL BE REQUIRED TO START OVER BY FILING A NEW PETITION WHICH WILL BE GIVEN A NEW CIVIL CASE NUMBER

THE CLERK OF COURT IS DIRECTED TO MAIL PETITIONER A BLANK MOTION TO PROCEED IN FORMA PAUPERIS.

IT IS SO ORDERED.

DATED: 2/02/08


Roger T. Benitez
United States District Judge